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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Victor L. Andelin

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DIGIMARC CORPORATION  
9405 SW GEMINI DRIVE  
BEAVERTON, OR 97008

EXAMINER

CERVETTI, DAVID GARCIA

ART UNIT

PAPER NUMBER

2136

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/666,929	<b>Applicant(s)</b> ANDELIN ET AL.	
	<b>Examiner</b> David Garcia Cervetti	<b>Art Unit</b> 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-25 is/are allowed.
- 6) ☒ Claim(s) 1-21 and 26-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1-9-08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Applicant's arguments filed January 2, 2008, have been fully considered but they are not persuasive.
2. Claims 1-42 are pending and have been examined.

### ***Response to Amendment***

3. The objections to the specification are withdrawn.
4. Regarding claim 35, Examiner respectfully submits that the MAC and the barcode representation of the MAC are the first and second watermarks, the second being a reduced bit-representation of the first (see col. 3, lines 15-45).
5. Regarding claims 1, 14, and 26, in response to applicant's arguments, the recitation "a license plate" (is just some data, in Dunn, a document), "property title", and "from a seller to a buyer" have not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Furthermore, Bunn's invention can be used in such an environment since the purpose is to verify vehicle information; it is irrelevant if a buyer or a seller are involved, as long as vehicle information can be securely verified.

### ***Allowable Subject Matter***

6. The following is an examiner's statement of reasons for allowance:

- claims 22-25 are allowed;
- regarding independent claim 22 the prior art of record neither alone nor in combination teach "data steganographically embedded therein through alterations to graphics, artwork, or information carried on the documentation" in combination with the other limitations recited in independent claim 22;
- claims 23-25 are allowed because of their dependence from independent claim 22.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Claim Rejections - 35 USC § 102***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. **Claims 1-21 and 26-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Bunn (US Patent Number 6,907,528).**

**Regarding claim 1**, Bunn teaches a license plate for attachment to a motor vehicle, the license plate comprising auxiliary data steganographically embedded therein **(col. 1, lines 30-65)**.

**Regarding claim 14**, Bunn teaches

- a method of providing authenticating information for a property title document , said method comprising steps of **(col. 1, lines 30-65)**:

- receiving a first digital signature that is associated with a seller of property (**col. 1, lines 30-65**);
- receiving a second digital signature that is associated with a buyer of the property (**col. 3, lines 1-25**);
- using the first digital signature and the second digital signature to provide a digital watermark payload, the payload comprising authenticating information (**col. 3, lines 15-55**); and
- steganographically embedding the digital watermark payload in the property title document (**col. 4, lines 12-55**).

**Regarding claim 26**, Bunn teaches

- a method to facilitate transfer of a motor vehicle from a seller to a buyer, said method comprising (**abstract**):
- receiving into a first data record information associated with the motor vehicle or the seller of the motor vehicle (**col. 1, lines 30-65**);
- providing the buyer of the motor vehicle with a digitally watermarked object, the digital watermark comprising an identifier;
- associating the identifier with a second data record, the second data record including information associated with the buyer of the motor vehicle (**col. 3, lines 1-25**);
- associating the first data record with the second data record (**col. 3, lines 1-25**);

- upon presentment of the digitally watermarked object, receiving optically captured scan data representing the digitally watermarked object (**col. 3, lines 15-45**), and
- analyzing the scan data to obtain the identifier, said method further comprising accessing at least the second data record via the identifier (**col. 3, lines 15-45**).

**Regarding claim 35**, Bunn teaches a printed document comprising: a document identifier; a first digital watermark including a first payload, the first payload comprising a representation of the document identifier; a second digital watermark including a second payload, the second payload comprising at least a reduced-bit representation of the first payload (**col. 3, lines 15-45**).

**Regarding claim 2**, Bunn teaches wherein the motor vehicle comprises at least one of a car, truck, sport utility vehicle, motorcycle, trailer to be pulled by a motor vehicle, motor home, plane, golf cart, boat, tractor, bus and off-road vehicle (**col. 2, lines 8/65**).

**Regarding claim 3**, Bunn teaches wherein the auxiliary data is steganographically embedded in the license plate in the form of a digital watermark (**col. 1, lines 30-65**).

**Regarding claim 4**, Bunn teaches wherein the digital watermark comprises an orientation component (**col. 1, lines 30-65**).

**Regarding claim 5**, Bunn teaches wherein the auxiliary data comprises two or more payload fields (**col. 3, lines 15-45**).

**Regarding claim 6**, Bunn teaches wherein at least a first of the payload fields includes first plural-bit data to uniquely identify the motor vehicle (**col. 3, lines 15-45**).

**Regarding claim 7**, Bunn teaches wherein the first plural-bit data comprises a reduced-bit representation of a vehicle identification number (VIN) assigned to the motor vehicle (**col. 3, lines 15-55**).

**Regarding claim 8**, Bunn teaches wherein the first plural-bit data comprises a cryptographic permutation of a vehicle identification number (VIN) assigned to the motor vehicle (**col. 3, lines 15-45**).

**Regarding claim 9**, Bunn teaches wherein the first plural-bit data comprises a vehicle identification number (VIN) assigned to the motor vehicle (**col. 3, lines 15-45**).

**Regarding claim 10**, Bunn teaches wherein at least a second of the payload fields includes second plural-bit data to be used to reference documentation associated with at least one of the motor vehicle and an owner of the vehicle (**col. 3, lines 15-45**).

**Regarding claim 11**, Bunn teaches wherein the documentation comprises at least one of vehicle registration card, disabled placard, cargo manifest, vehicle insurance document, vehicle title, a driver's license and a trip permit (**col. 3, lines 15-45**).

**Regarding claim 12**, Bunn teaches wherein the auxiliary data comprises an identifier to be used to interrogate a data structure, the data structure comprising information associated with the vehicle or with an owner of the vehicle (**col. 3, lines 15-45**).

**Regarding claim 13**, Bunn teaches wherein the license plate comprises a sticker or tag, and wherein the auxiliary data is steganographically conveyed via the sticker or tag (**col. 3, lines 15-45**).

**Regarding claim 15**, Bunn teaches wherein the authentication information comprises the first digital signature and the second digital signature (**col. 3, lines 40-59**).

**Regarding claim 16**, Bunn teaches wherein the authentication information comprises a cryptographic permutation of at least one of the first digital signature and the second digital signature (**col. 3, lines 1-59**).

**Regarding claim 17**, Bunn teaches wherein the authentication information comprises an output of a function which includes the first digital signature and the second digital signature as inputs (**col. 3, lines 40-59**).

**Regarding claim 18**, Bunn teaches wherein at least one of the authentication information, first digital signature and second digital signature comprises a time or date stamp (**col. 3, lines 20-59**).

**Regarding claim 19**, Bunn teaches wherein the property comprises at least one of a motor vehicle, personal property and real property (**col. 3, lines 40-59**).

**Regarding claim 20**, Bunn teaches wherein the authentication information comprises a reduced-bit representation of at least one of the first digital signature and the second digital signature (**col. 3, lines 40-59**).



**Regarding claim 21**, Bunn teaches wherein the property title document comprises at least one of an electronic document and a printed document **(col. 3, lines 20-59)**.

**Regarding claim 27**, Bunn teaches accessing the first data record **(col. 3, lines 20-59)**.

**Regarding claim 28**, Bunn teaches wherein the first data record and the second data record are associated via the identifier **(col. 3, lines 1-45)**.

**Regarding claim 29**, Bunn teaches presenting at least some of the information that is associated with the motor vehicle or the seller of the motor vehicle to the buyer through a computer interface **(col. 3, lines 20-59)**.

**Regarding claim 30**, Bunn teaches prompting the buyer to confirm the transfer through the computer interface **(col. 3, lines 20-59)**.

**Regarding claim 31**, Bunn teaches automatically notifying at least a government agency after the buyer confirms the transfer **(col. 3, lines 20-59)**.

**Regarding claim 32**, Bunn teaches wherein the motor vehicle is purchased through an auction **(col. 3, lines 20-59)**.

**Regarding claim 33**, Bunn teaches wherein the information associated with the buyer comprises an account number, said method further comprising automatically debiting the account after the buyer confirms the transfer **(col. 3, lines 20-59)**.

**Regarding claim 34**, Bunn teaches generating a printed title document after the buyer confirms the transfer. **(col. 3, lines 20-59)**

**Regarding claim 36**, Bunn teaches wherein the document is associated with a motor vehicle (**col. 3, lines 20-59**).

**Regarding claim 37**, Bunn teaches wherein the document identifier comprises a vehicle identification number (VIN) (**col. 3, lines 20-59**).

**Regarding claim 38**, Bunn teaches wherein the document comprises information printed therein, and wherein said second payload further comprises a representation of at least a portion of the printed information (**col. 3, lines 20-59**).

**Regarding claim 39**, Bunn teaches wherein the second digital watermark is imparted to the document through laser engraving (**col. 3, lines 20-59**).

**Regarding claim 40**, Bunn teaches wherein the reduced-bit representation of the first payload comprises a hash (**col. 3, lines 20-59**).

**Regarding claim 41**, Bunn teaches wherein the reduced-bit representation of the first payload comprises a cryptographic permutation (**col. 3, lines 20-59**).

**Regarding claim 42**, Bunn teaches wherein the document comprises variable information printed thereon, and wherein the second digital watermark comprises at least some of the variable information, wherein the variable information varies from document to document (**col. 3, lines 20-59**).

### ***Conclusion***

10. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply

as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David García Cervetti whose telephone number is (571)272-5861. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571)272-4195. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David García Cervetti/

/Nasser G Moazzami/  
Supervisory Patent Examiner, Art Unit 2136